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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91185498
Party	Defendant Barr, Denise Marie
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Submission	Answer
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Date	09/03/2008
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK  
TRIAL AND APPEAL BOARD

In the Matter of:  
The TJX Companies, Inc.  
v.  
Denise Marie Barr

OPPOSITION NO. 91185498  
ANSWER

Applicant, Denise Marie Barr ("I/me"), as an individual now living at 11540 Velicata Court, Las Vegas, Nevada, 89138, and having previously submitted to the U.S. Patent and Trademark Office my change of address from 242 Corral Drive, Dayton, Nevada 89403 (Ref. exhibit "A" enclosed), believes that no such damages claimed by TJX Companies, Inc. ("Opposer") will occur as a result of registering my trademark shown in the Application Serial No. 77301887 ("It Bag"), and hereby gives an answer to the Notice of Opposition.

1. Admission.

I have no argument that the above-named Opposer, TJX Companies, Inc., have been in the retail store business offering for sale a wide array of goods since long before October 11, 2007.

2. General Denial.

The Opposer cannot make any assumptions on the part of consumers and potential customers regarding the meaning conveyed by the term "It Bag", whether or not it is used in the context of "travel bags, multi-purpose purses; and purses." This is a matter of personal judgment on the part of said consumers and potential consumers, and the result of marketing messages conveyed on the part of the organization in relation to its trademark and the products produced under such trademark.

3. General Denial.

My trademark, "It Bag", does not require a secondary meaning as a source-identifier for the goods produced under the said trademark name.

4. General Denial.

All of the terms in my trademark, "It Bag", do not require a disclaimer. The U.S. Patent and Trademark Office required the term "Bag", but not the term "It" to be disclaimed in my trademark, "It Bag." To disclaim both terms would serve no purpose but to render my trademark unprotected.

5. General Denial.

Judgments about the stylistic component of my trademark are a matter of personal opinion.

6. General Denial.

7. General Denial.

The trademark registration application for "It Bag" has already been

legally accepted. This acceptance should not be revoked based on Opposer's opinions about whether a term is "merely descriptive" or needs a "disclaimer", nor whether the mark is "elevated" or "distinctive".

#### 8. General Denial.

I assert that Opposer, TJX, cannot assume that it will be damaged by the issuance of registration of Trademark, Serial No. 77301887.

End of Numbered Answers to Opposer's submission of Opposition. I assert the following:

A-1. I assert that The Opposer has filed an Opposition to my application for registration only because their application for a similar trademark, "The New It Bag", was suspended due to the fact that they applied 27 days after I applied to register my trademark, "It Bag". Ref. exhibit "B" and "C" enclosed.

A-2. I assert a real interest in the term "It Bag" as it represents my significant investment of time and money in the development and marketing of the product and its name. And, I have followed all the steps legally and with good faith, to insure the validity and protection of my trademark.

A-3. As a result of the Opposer filing its Opposition, I have been generally damaged in an amount exceeding \$10,000.00. At the time of the hearing/trial in this matter, I will specify the items of damage incurred by myself as a result of the Opposer's actions, including but not limited to having to respond herein and lost profits.

The undersigned hereby certifies that a copy of this paper has been served upon Alston & Bird LLP, the Attorneys for TJX Companies, at their address record by Registered First Class Mail on this date.